

#### 4VAC15-20-150

#### **Definitions and Miscellaneous: In General: Structures on department-owned lands and national forest lands.**

##### **Summary:**

The proposal would establish a time-frame and duration for placing and leaving portable tree stands on department-owned lands.

##### **Proposed language of amendment:**

#### **4VAC15-20-150. Structures on department-owned lands and national forest lands.**

A. It shall be unlawful to construct, maintain or occupy any permanent structure, except by permit, on department-owned lands and national forest lands. This provision shall not apply to structures, stands or blinds provided by the department.

B. It shall be unlawful to maintain any temporary dwelling on department-owned lands for a period greater than 14 consecutive days. Any person constructing or occupying any temporary structure shall be responsible for complete removal of such structures when vacating the site.

C. It shall be unlawful to construct, maintain or occupy any tree stand on department-owned lands and national forest lands and on Department of Conservation and Recreation owned or controlled lands, provided that portable tree stands which are not permanently affixed may be used.

D. Portable tree stands which are not permanently affixed can be placed on department-owned lands on or after September 15<sup>th</sup> and must be removed on or prior to January 31<sup>st</sup> of the following calendar year. Tree stands will be considered abandoned and confiscated by the department if left on department-owned lands after January 31<sup>st</sup>.

##### **Rationale:**

The popularity and convenience of portable tree stands (i.e. ladder stands, climbing stands, lock-on stands) and blinds for hunting purposes has led to a significant increase in their use on department-owned lands. Further, DWR staff have observed an increase in the number of portable tree stands placed and subsequently left remaining attached to the tree, without obvious maintenance, throughout the year. Subsection C of the existing regulation makes it clear that it is unlawful to construct and maintain permanent tree stands; yet, it does not fully address the use of portable tree stands that remain attached to trees beyond the hunting seasons.

It is assumed that most hunters that own these stands leave them in place during the off-season to reduce the work of removing them, making it convenient to once again utilize the stand the following season. When portable stands are left attached to trees and not maintained throughout the year, there are a number of potential human safety issues and resource impacts. Nylon straps used to secure ladder stands, lock-on stands, and associated ladders/climbing sticks degrade over time when exposed to the elements, compromising the integrity and function of the nylon material and creating a potentially unsafe situation. Further, the trees to which portable tree stands are affixed will continue to grow and expand, eventually growing around parts of stands, straps, and ladders that will ultimately cause damage to the trees.

Portable/temporary tree stand and blind regulations and rules for public lands among other agencies and states vary in specificity and language, but generally establish time-frames/durations for which a portable

stand or blind can be placed and remain afield. On the George Washington-Jefferson National Forest, portable tree stands are permitted as long as they are not permanently affixed and do not cause resource damage (i.e., cutting limbs, placing nails or bolts into trees is prohibited), but leaving a tree stand unoccupied for an extended period of time is prohibited. In Pennsylvania, tree stands on state land can be placed not more than two weeks before the first day of the deer season and must be removed no later than two weeks after the final deer season in that area. Maryland requires that tree stands and blinds used for hunting purposes be removed at the end of each day.